United Nations S/PV.4525

Security Council

Fifty-seventh year

Provisional

4525th meeting

Friday, 3 May 2002, 3 p.m.

New York

President:	Mr. Mahbubani	(Singapore)
Members:	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Belinga-Eboutou
	China	Mr. Wang Donghua
	Colombia	Mr. Franco
	France	Mr. Doutriaux
	Guinea	Mr. Cheick Ahmed Tidiane Camara
	Ireland	Mr. Ryan
	Mauritius	Mr. Gokool
	Mexico	Ms. Lajous
	Norway	Mr. Kolby
	Russian Federation	Mr. Gatilov
	Syrian Arab Republic	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Cunningham

Agenda

The situation in the Middle East, including the Palestinian question

Letter dated 2 May 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council (S/2002/510).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

02-36513 (E)

The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

Letter dated 2 May 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council (S/2002/510)

The President: I should like to inform the Council that I have received letters from the representatives of Argentina, Canada, Chile, Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Israel, Japan, Jordan, Malaysia, Morocco, Pakistan, South Africa, Spain, the Sudan, Tunisia, Turkey and the United Arab Emirates, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Lancry (Israel) took a seat at the Council table; Mr. Listre (Argentina), Mr. Heinbecker (Canada), Mr. Valdés (Chile), Mr. Rodríguez Parrilla (Cuba), Mr. Aboul Gheit (Egypt), Mr. Hidayat (Indonesia), Mr. Nejad Hosseinian (Islamic Republic of Iran), Mr. Yoshikawa (Japan), Mr. Al-Hadidi (Jordan), Mr. Hasmy (Malaysia), Mr. Bennouna (Morocco), Mr. Khalid (Pakistan), Mr. Kumalo (South Africa), Mr. Arias (Spain), Mr. Manis (Sudan), Mr. Mejdoub (Tunisia), Mr. Bilman (Turkey), and Mr. Al-Shamsi (United Arab Emirates) took the seats reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 3 May 2002 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2002/506, and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council to be held today, Friday, 3 May 2002, regarding the situation in the occupied Palestinian territory, including Jerusalem."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the meeting in accordance with the Council's provisional rules of procedure and with previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Kidwa (Palestine) took a seat at the Council table.

The President: The Security Council will now continue its consideration of the item on its agenda.

The Council is meeting in response to the request contained in the letter dated 2 May 2002 from the Chargé d'affaires of the Permanent Mission of Sudan to the United Nations in his capacity as Chairman of the Arab Group, which is contained in document S/2002/510.

Before we begin the proceedings, I would like to make two procedural announcements. I would like to inform members and non-members that we plan to suspend the meeting at around 4.30 p.m. to hear a briefing by the Secretary-General. We will then resume our deliberations at around 6 p.m. Since we may be going on late into the night, I hope that my colleagues around this room will not mind if I make a request: can they — except, of course, for the principal parties — shorten their speeches to five or ten minutes? I hope that that is not an unreasonable request.

The first speaker inscribed on my list is the Permanent Observer of Palestine, on whom I now call.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): I wish at the outset to congratulate you warmly, Mr. President, on your assumption of the presidency of the Security Council for this month. We have full confidence in you, Sir, and in your friendly country, Singapore. Allow me also to express our deep appreciation to Ambassador Sergey Lavrov, Permanent Representative of the Russian Federation, for his great

skills and personal contributions to the Council's achieving important successes under his leadership.

Fourteen days ago the Security Council adopted resolution 1405 (2002), which welcomed the initiative of the Secretary-General to develop accurate information on recent events in the Jenin refugee camp through a fact-finding team. That resolution also requested the Secretary-General to keep the Security Council seized of the matter. It came as a natural and responsible response to increasing reports about the humanitarian catastrophe caused by the Israeli occupation forces, particularly in the Jenin refugee camp. Resolution 1405 (2002) addressed the horrific humanitarian situation of the civilian Palestinian population in a general way and established the framework for addressing the events in Jenin. It is impossible to fully understand what occurred there without putting it in the context of the activities of the Israeli occupation forces in all the re-occupied Palestinian cities and towns.

Following the adoption of resolution 1405 (2002), the Secretary-General formed the team, which was made up of three widely respected personalities. It also included two high-level senior advisers. Two others were subsequently added, as were several experts in various areas. The Palestinian side and the entire world welcomed the composition of this team as a serious step toward finding out exactly what happened in the Jenin refugee camp.

Subsequently, we all have seen how the Israelis completely reneged on accepting the fact-finding team. We have also seen a series of Israeli positions aimed at undermining the team and jeopardizing any results that it might reach, as well as attempts to blackmail the Secretary-General and the United Nations Secretariat. Despite the Secretary-General's response to accommodate the Israeli side's concern regarding clarifications — on which we had reservations — the Israeli positions deteriorated and basically represented rejection of the Secretary-General's initiative, his fact-finding team and Security Council resolution 1405 (2002).

The Secretary-General sent letters to the Permanent Observer of Palestine and the Permanent Representative of Israel on 27 April 2002, in which he outlined the parameters and modalities of the work of the fact-finding team. We agreed generally with the content of those letters, and we had intended to clarify fully our position once we had received an indication that the team was proceeding to the region. I wish to express our appreciation to the Secretary-General for his efforts and his insistence on maintaining his basic position and for preserving the integrity of the team's mandate.

The day before yesterday, the Secretary-General sent a letter to the Security Council on this matter, which contained a description of Israeli positions and of the Secretary-General's conclusions and announced his intention to disband the team. The content of the Secretary-General's letter itself constitutes full condemnation of the position of Israel — the occupying Power — regarding the team. We strongly condemn the decision of Israel — the occupying Power — to refuse compliance with resolution 1405 (2002) and to impede the work of the fact-finding team.

We believe that the entire world should fully condemn Israel's position. We also believe that the Security Council should have supported the Secretary-General's efforts a few days earlier. Indeed, we proposed that to the Council, but, to our deep regret, the Council did not respond accordingly.

Following the Secretary-General's decision, we thought that the Council should take a drastic step to stress the need to implement resolution 1405 (2002), order Israel not to impede the team, request the Secretary-General to dispatch the team immediately and request both sides to cooperate with the te without obstacles or conditions. The Arab Grou had indeed submitted a draft resolution along thos nes. Unfortunately, it did not receive adequate support because of the objections of one of the permanent members of the Security Council.

The Council's backtracking before the Israeli rejection will constitute a real scandal for the Council. It will constitute a breach of the provisions of the Charter and abrogation on the part of the Council of its responsibilities, and it will have serious political and operational implications on the ground. We still hope that the Council will be able today to adopt an appropriate resolution even at a minimum level. Even if the Council fails to do so, we will resort to a resumption of the tenth emergency special session of the General Assembly in order to address this situation, if only partly.

The fact that we all should bear in mind — and that must be the focus of any analysis of the situation — is that Israel is the occupying Power and that the Palestinian territories are occupied territories to which the Fourth Geneva Convention of 1949 applies, as has been set forth in 25 resolutions adopted by the Security Council.

The position of Israel towards the fact-finding team, among other things, proves beyond any doubt that the Israeli occupation forces have indeed committed unspeakable atrocities against our people, especially in the Jenin refugee camp. Israel committed war crimes and probably carried out a massacre of the camp population. The atrocities committed by the Israeli occupation forces are now established facts. The firing of missiles from helicopter gunships at that very tiny, densely populated area; the use of tanks and armoured bulldozers to demolish houses, in some cases while civilians were still inside them; the obstruction of the delivery of food and medicine; the denial of access of humanitarian agencies to the camp for 11 days; and, last but not least, the use of human beings as shields are all established facts. These acts constitute war crimes. What remains now is to establish the scope of those crimes and whether they indeed constituted a massacre and crimes against humanity.

The world must investigate these crimes and get to the bottom of the facts in full. It must adopt the measures necessary to prosecute the war criminals and the commanders and members of military units who deliberately killed civilians and wreaked unwarranted, wide-scale destruction, especially, as we indicated earlier, General Shaul Mofaz, chief of staff of the Israeli occupation army.

Resolutions 1402 (2002) and 1403 (2002) have not yet been fully implemented. It has now been more than a month since their adoption and the resolutions have yet to be implemented in full. After several weeks of sweeping Israeli military assault, the Israeli occupation forces have left some towns, but they have tightened their siege against all of them and the occupation forces remain inside some cities. The compound of Chairman Yasser Arafat in Ramallah was, until the day before yesterday, under military siege. The end of that siege, despite the fact that it was a positive step, is not a source of satisfaction to us. The situation arising from the Israeli military assault is illegal and represents a gross breach of the Security Council resolutions I have just mentioned. The Church of the Nativity is still under military siege and yesterday was a target of another military assault that set a Franciscan convent and a Greek Orthodox church on fire, which constitutes another Israeli crime. Israel, the occupying Power, continues to tighten its siege of all Palestinian towns and is reoccupying some parts of those towns, as has happened recently in Hebron, Qalqilya and other Palestinian towns and villages and, today, in Nablus.

The purpose of the Israeli military campaign remains the same: to cause devastating harm to our population and to the Palestinian Authority and to prevent the situation from returning to where it was before the campaign, let alone before September 2000. It is not, of course, to put an end to the Israeli occupation of all Palestinian territories occupied since 1967, including Jerusalem. The essence of the position of Mr. Sharon and his Government has not changed, notwithstanding the resolutions of the Security Council and the position of the international community in this regard and the efforts of some parties, which we fully appreciate. Still, those efforts have not yet led to the full implementation of resolutions 1402 (2002) and 1403 (2002).

The entire issue requires the Security Council to take a more serious position on the basis of the Charter. That is precisely what we now look forward to.

The President: I thank the Permanent Observer of Palestine for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Israel, to whom I give the floor.

Mr. Lancry (Israel): At the outset, I would like to extend to you, Sir, my congratulations on your assumption of the presidency of the Security Council. I also wish to congratulate your predecessor, Ambassador Sergey Lavrov, on his outstanding performance.

As Council members are aware, constructive discussions were held one week ago between United Nations officials and an Israeli delegation regarding the parameters for the Secretary-General's initiative to establish a fact-finding team with regard to recent events in the Jenin refugee camp. Since the presentation of the Secretary-General's initiative and the adoption of resolution 1405 (2002), considerable disinformation and confusion have been generated regarding the mandate of the fact-finding team. Israel's

position is that any fact-finding team must have its objectives and parameters clearly established prior to its departure to the region.

In Israel's view, the principles governing the operation of the team should have been based on both the language of operative paragraph 2 of resolution 1405 (2002) and on established United Nations guidelines for fact-finding. Resolution 1405 (2002) determined that the team must "develop accurate information", not reach any legal conclusions or make recommendations. In calling for an examination of events, Israel did not think it too much to expect that the team address the activities of both sides, including the use of a United Nations-administered camp as a centre for terrorist activity, in violation of international humanitarian law and Security Council resolutions.

United Nations fact-finding principles, as set out in General Assembly resolution 46/59 of 1991, stipulate that the fact-finding report be limited "to a presentation of findings of a factual nature". The resolution includes provisions regarding confidentiality, the right of States "at all stages of the fact-finding process" to express their views, the obligation for the fact-finding team to respect local laws and regulations and to engage in its mission in cooperation with the parties concerned. Israel had a right to expect that the United Nations would accept the very guidelines and practices it itself has established regarding the conduct of fact-finding missions.

It is these considerations that lie behind Israel's reservations regarding the mandate of the fact-finding team. The six points of concern which the Israeli Cabinet raised, and sought to resolve, stem directly from those established guidelines and from operative paragraph 2 of resolution 1405 (2002), which set out the parametres for the Secretary General's initiative.

I should like to point out that while we understand the international community's wish to develop an accurate, thorough and balanced report on the recent events in Jenin, we should not ignore the reports of the international press and of representatives of independent organizations present in Jenin that have surfaced in recent days. Those reports have confirmed Israel's position that what occurred in Jenin was an intense battle between the Israeli military and Palestinian terrorists, that weapons were widespread in the camps, and that many buildings had been booby-trapped with explosive devices.

From the very beginning, Palestinian statements were overly alarmist, which is actually quite symptomatic of their hyperbolic discourse regarding Israel's actions in general. With respect to the alleged massacre in Jenin, Palestinian spokesmen had initially claimed that thousands of bodies were buried under the rubble; then the figure was reduced to hundreds; and now they must face the unfortunate outcome of the fierce battle that took place: 47 Palestinian gunmen killed, 23 Israeli soldiers killed, as well as seven Palestinian civilians, whose deaths we profoundly regret.

Indeed, today it is reported that Palestinian officials themselves are now putting the number of people killed in the Jenin camp at 56, and presenting the events in Jenin not as a massacre but as a fierce battle. That finding was disclosed to reporters by the Director of Chairman Arafat's Fatah movement for the Northern West Bank, Kadoura Mousa Kadoura, after a team of four Palestinian-appointed investigators had visited the camp.

Although we will surely be accused of quoting out of context, it is still necessary to relay the words of a Palestinian gunman who fought in the battle in Jenin, which have confirmed this. A member of Islamic Jihad who was responsible for building and hiding explosive devices in Jenin was interviewed by *Al-Ahram Weekly* and related how Palestinians in Jenin prepared themselves to trap and ambush Israeli soldiers. He said:

> "We had more than 50 houses booby-trapped around the camp. We cut off lengths of main water pipes and packed them with explosives and nails. Then we placed them about four metres apart throughout the houses — in cupboards, under sinks, in sofas".

Another, senior member of Islamic Jihad, Tabaat Mardawi, told CNN that 1,000 to 2,000 bombs and booby traps were spread throughout the camp.

Although there were unintended civilian casualties in the gun battle in Jenin, as there are in any conflict, those deaths, regrettable and saddening as they may be, do not constitute a massacre. Those casualties stem from the fact that armed Palestinians fired from populated areas and built a terrorist network in the very midst of the civilian population, with

blatant disregard for the safety and well-being of Palestinian civilians. The accusations that hundreds or thousands of civilians were killed in Jenin — made just a short while ago in this very Council — have been shown to be deliberate acts of misinformation. We have even received reports that Palestinians have dug up bodies buried elsewhere and reburied them in mass graves in Jenin to bolster their claims of Israeli atrocities.

I believe that these facts might serve to caution the Council against accepting every allegation as fact and heeding every call for an investigation. Had the international community known two weeks ago what is known today about the nature of the events in Jenin, it is doubtful that a fact-finding effort would have been considered appropriate.

I believe the Council might also wish to consider why massacres such as those that have claimed the lives of hundreds of Israeli civilians — including that on Passover eve — in pizza parlours and in discotheques do not also merit the most serious international attention. Would it not be fair, beyond the condemnation of Palestinian suicide bombings as "morally repugnant", to investigate such deliberate massacres of Israeli civilians or to examine Chairman Arafat's direct involvement in such attacks? Is the Palestinian terrorist campaign immune from humanitarian law or from serious international scrutiny? I hope that Council members can appreciate the sense of dismay that has been generated among many Israelis by the Security Council's failure to adopt resolutions that respond adequately and decisively to the countless deliberate terrorist atrocities against Israelis.

With regard to the situation at the Church of the Nativity in Bethlehem, the Palestinian side has sought to portray as an Israeli siege what is in reality a hostage crisis. Armed Palestinian terrorists, in violation of basic humanitarian norms, have taken over a religious shrine, fired from it, prevented the individuals inside from leaving and desecrated the sanctity of that holy place, as confirmed by three Armenian monks who managed to escape from the scene.

Fortunately, negotiations between Palestinian and Israeli representatives have been constructive. A number of Palestinians have been released from the Church in recent days, and we are hopeful that a full and non-violent resolution of the stand-off will be reached very shortly.

We have reached a satisfactory, non-violent resolution of the situation at the Ramallah compound. The Government of Israel agreed to a proposal made by President Bush that the incarceration of those responsible for Cabinet Minister Ze'evi's murder and other terrorist operatives given refuge in the compound take place in Palestinian territory, under United States and British supervision, so as to avoid impunity and prevent the application of what is by now the well-recorded revolving-door policy adopted by the Palestinian Authority.

Chairman Arafat is now able to move around at will and to exercise his full authority as the leader of the Palestinian people. The choice of whether to prevent or to promote terrorism is entirely in Chairman Arafat's own hands. For the sake of peace in the region, it is imperative that he not incite his people to hatred and to violence, but rather that he act as a force for peace.

I would also like to point out that Israel has taken substantial steps towards the implementation of resolutions 1402 (2002) and 1403 (2002) and has proceeded with its withdrawal from Palestinian cities. The implementation of Palestinian responsibilities under resolution 1402 (2002), however, has yet even to begin. Failure by the Palestinian side to fulfil the requirements set out by the Security Council will impede our progress towards a resumption of political dialogue. The Council should focus not only on Israel's actions, but also on the Palestinian side's blatant and continuing refusal to agree on a meaningful ceasefire, to end terrorism and incitement and to cooperate with General Zinni, as called for in resolution 1402 (2002). Only action by both sides can move us towards an end of violence and terrorism and towards a political resolution.

Finally, certain members of the international community are now working to determine how best to restart a political dialogue. Prime Minister Sharon will be arriving next week in Washington, where he will discuss his ideas and his proposals on how to breathe new life into the peace process. Israel fully understands that the Palestinians are, and will always be, our partners and our neighbours and that only through dialogue and negotiations, conducted in a spirit of nonviolence and mutual recognition, can we

reinvigorate the spirit of peace and reconciliation that will yield a just and lasting solution to the conflict in our region.

The President: I thank the representative of Israel for his kind words addressed to me.

The next speaker inscribed on my list is the representative of the Sudan. I invite him to take a seat at the Council table and to make his statement.

Mr. Manis (Sudan) (*spoke in Arabic*): It is my honour to make this statement on behalf of the Group of Arab States. First of all, on behalf of the Group, I should like to thank you, Mr. President, for responding quickly to its request to convene this urgent meeting to reconsider the grave situation still prevailing in the occupied Palestinian territories. I should also like to take this opportunity to congratulate you on assuming the presidency of the Council for this month. We are confident that you will conduct the Council's work effectively by virtue of your well-known experience. In addition, we should like to pay tribute to Ambassador Lavrov and his team for their Herculean and honourable efforts in presiding so ably over the Council last month.

The Arab Group would like to express its appreciation to Secretary-General Kofi Annan for his great efforts to shed light on the events that took place in the Jenin refugee camp by assembling a distinguished team of eminent international figures known for their honesty, credibility and high professionalism. The Council welcomed the Secretary-General's initiative and requested that he keep it informed of the results of the work, in accordance with resolution 1405 (2002).

In addition, the Arab Group would like to pay tribute to the Secretary-General and officials of the Secretariat for their patience and their efforts to present the necessary clarifications to the occupying Power. However, that Power, though it initially agreed to receive the fact-finding team, saying that it had nothing to hide, ultimately reversed its position, explicitly rejecting the team. That led the Secretary-General to say, in a letter addressed to the Council, that the team would not be able to remain in place because of the Israeli Government's position.

Israel's decision to reject the Secretary-General's initiative and not to comply with Security Council resolution 1405 (2002) came as no surprise to the Arab Group. Israel, the occupying Power, has consistently flouted Security Council resolutions. It has committed grave violations of international law and international humanitarian law. The Secretary-General has said before the Council that the Israeli forces are engaged in wide-scale violations of international humanitarian principles and human rights standards.

The Arab Group strongly condemns and denounces the decision of Israel, the occupying Power, to refuse to receive the fact-finding team assembled by the Secretary-General, which the Security Council had welcomed. The Arab Group calls upon the international community, represented by the Council, to condemn the occupying Power's explicit rejection of Council resolutions and its defiance and contempt of international humanitarian law.

The question now arises: what does the Council intend to do in the face of this grave challenge to its credibility and to that of the United Nations? We believe that the Council must require respect for its authority. That could be accomplished, first, by condemning the Israeli rejection, and secondly, by uncovering the details of the occupying Power's heinous crimes against humanity in the Jenin camp and of all the massacres it carried out against the Palestinian people, which were seen on television screens by the entire world. We believe the Council could do that in a report to be submitted by the Secretary-General in accordance with the provisions of resolution 1405 (2002).

Israel, the occupying Power, has consistently acted as if it were above the law. It flouted the Council's resolutions and was encouraged by the Council's failure to implement those resolutions. It proceeded to carry out further war crimes, State terror and mass murder of innocent Palestinian civilians. Now the Council must rise to its Charter responsibility to maintain international peace and security. Its failure to shoulder that responsibility will prompt the Arab Group to resort to the General Assembly. This will express the positions of the countries of the world concerning Israel's crimes against humanity in the Jenin refugee camp and other crimes of State terror throughout the occupied Palestinian territories, including holy Jerusalem.

In conclusion, the Arab Group clearly stresses that its call for the Security Council to meet in plenary is not intended to provide an opportunity for speakers

to repeat their statements over and over again. Its aim is to call, in the light of the grave threat to international peace and security in the occupied Palestinian territories, for international justice and equity and to prevent the Council from shirking its responsibilities. The Council should seek to ensure respect for and enforcement of its resolutions and meet the challenges being made to the principles and purposes of the Charter on the basis of justice and equality among nations and States. The Council should not allow Israel to impose its will upon it.

The President: I thank the representative of the Sudan for his kind words addressed to me.

The next speaker on my list is the representative of Tunisia. I invite him to take a seat at the Council table and to make his statement.

Mr. Mejdoub (Tunisia) (*spoke in French*): Allow me at the outset, before I plunge into the debate, to offer you, Sir, my congratulations and my best wishes for success in your presidency of the Security Council. This tribute is not circumstantial, because the Tunisian delegation and a great many intellectuals in our country hold you in high esteem. Our tribute extends to your country, Singapore, which has succeeded in its magnificent and spectacular political and socio-economic experiment.

My thanks also go out to your predecessor, Ambassador Sergey Lavrov, Permanent Representative of the Russian Federation.

We are confronting today a three-fold crisis that history will not forgive us for neglecting.

First, there is a humanitarian crisis. We have allowed an army to occupy a refugee camp in Jenin for days on end and then to carry out a massacre of proportions that will remain unknown until we receive the results of an investigation that Israel has refused to carry out while the Council has stood by. The Council has failed to act in the face of Palestinian misery. The silent images on American television networks, showing the consequences of an apparent earthquake, have shocked the conscience of the world community. We have seen men and women using their hands to dig out the corpses of non-combatants from under the rubble. Eyewitnesses have begun to describe the scene to representatives of international organizations. One honourable and exemplary international civil servant has described it as "horrific beyond belief." He shall remain nameless, since a vindictive campaign has already been launched against him. Israel did not allow him to participate in the fact-finding team because he knows too much. We continue to see images of Palestinian children, women and the elderly helplessly wandering around the ruins, bewailing their dead and their property, and of starving Palestinians awaiting international relief efforts. We have seen the sick and the injured bleed slowly to death as the Israeli army has prevented ambulances from doing their job by blocking or shooting at them.

I am not trying to conduct a propaganda campaign and I am inclined to say even less than I might. If the Israelis, Mr. Sharon and Mr. Peres, have nothing to hide, why have they prevented the dispatch of a fact-finding team that would have established the truth? Why would they reject the impartial testimony of such a team? Does Mr. Sharon himself have to lead an Israeli delegation before the entire world can learn the truth? No. It is guilt, the fear that Israel would be condemned by world opinion and the dread of standing before the court of international opinion that have made them renege on their promises. Israel has rebelled yet again against the will of the Security Council, the Secretary-General and the entire United Nations system. There is nothing new in that.

Assistance is needed. The international community must realize the scope of the tragedy and act to ensure the delivery of food and medicine. Relief supplies are trickling in slowly, but how can we expedite their delivery when the Israeli army continues to lay siege to Palestinian towns, to carry out incursions into others and to destroy the administrative and social infrastructure in the land it treacherously occupies?

We also face a multifaceted moral crisis. How could a country with a claim to intelligence get so mired in an operation led by a man with a well-known past? How could the Israeli peace camp allow such dirty work to be done? How could Israel's allies accept this policy and threaten the use of the veto at the mere mention of the Middle East? How could Sharon be portrayed as a man of peace while, only two days ago and for a month before that, his tanks were besieging President Arafat, a Nobel Peace Prize laureate? How can one demand the surrender of those responsible for an assassination that took place last December and was fully condemned by the Palestinian Authority, while dozens of leading Palestinian officials have been

liquidated? Who is going to prosecute those who practice state murder? How could siege be imposed on one of the world's holiest shrines, the Church of the Nativity? This is an outrage that not even the war criminals of World War II dared commit. How could Israel, a young and fragile nation, pursue transgressions that incur the wrath of the entire world? Who bears responsibility for awakening old demons and for fanning the flames of hatred between nations?

We are not surprised that, with a few rare exceptions, the whole world is squarely pointing an accusing finger at Sharon's Israel. Israeli nationalism, which pragmatic Arabs had ultimately come to accept, has been severely tested. A cursory glance at the *New York Times* reveals the magnitude of the collateral damage. What a terrible waste, even for Israel!

Then there is the most serious crisis, which is the crisis of authority. It is the most serious because it concerns the Council, which is the highest international body and which is ignored by Tel Aviv. I will not elaborate on this, because to do so would be disrespectful of this body.

Within a few weeks the Security Council adopted three resolutions, and a presidential statement that for our delegation carries the same authority as the resolutions. Because of the dignity of the Council we need not recall the hopeless words heard two days ago in the Council's consultations. This is terrible for the United Nations system.

Let us imagine that an Arab State has committed an act ten times, or even one hundred times, less grave than those that have been perpetrated. Immediately a strong coalition would have been formed; it would have been noted that the law is the law and that a Security Council resolution must be implemented; sanctions would have been imposed, and the provisions of Chapter VII would have been applied in full. However, the policy of double standards has become a permanent feature of our work. I must state clearly and unequivocally that public opinion in our countries is increasingly opposed to such policies.

We are fully aware that pressure groups are an integral part of Western democracies, that is, all minorities have the right to be heard and to use all means at their disposal for this purpose. I do not claim to be an expert on all societies, but I firmly believe that, rather than groups being demonized, settling a dispute through peaceful means is the best electoral guarantee. Success is the ultimate test of politics, and everyone loves a winner. Not all has been lost. Previous efforts and missions have brought about a limited measure of success. We are grateful to all those who have carried out such efforts. However, the occupation persists, with neither a political nor a security solution. Major powers must adopt a firm position vis-à-vis Israel; they should heed the call of former President Carter, a man of wise counsel and the man who achieved the first peace agreement between Israel and an Arab State.

Having completed the diagnosis of the problem, we must now consider the remedy.

First, it must be impressed upon Israel authorities that they must comply — today, and not tomorrow — with Security Council resolutions. The fact that there are ongoing negotiations changes nothing. It is incumbent upon us to support the efforts of the international community to persuade Israel not to persist in its behaviour vis-à-vis President Arafat and to realize that he is the one with whom it must negotiate. Never in colonial history, either as we have lived it or as we have read about it, has a colonial power behaved with such arrogance and cruelty as has Israel in its treatment of President Arafat. We demand the immediate cessation of Israel military operations — all Israeli military operations.

We demand a solution for the matter of the Church of the Nativity in Bethlehem, which Israel has desecrated by committing murders and now by setting fires in it. It is shameful that Israel has accused the Palestinians of setting fire to a place in which they have sought refuge, and where they will even be accused of collective suicide. That is untrue. This fire will remain a stain on the history of Israel.

What is even more tragic is the situation in which the Security Council finds itself today. That is the disbanding, indeed, the dissolution, of the fact-finding team. We refuse to accept the failure of the Council. Israel cannot continue to deny the team access to Jenin on either political or legal grounds. Acting on the basis that "might makes right", Israel rode roughshod over four Security Council resolutions. The most recent is 1405 (2002), a United States initiative that we accepted in good faith and that Israel accepted unequivocally. Nevertheless, it will remain a dead letter.

In such cases, the United Nations Charter, under chapters VI and VII, provides for the adoption of

coercive and non-coercive measures to bring recalcitrant States to comply with the law. It is inadmissible for the Council to renounce its prerogatives and accept the defeat inflicted on it by Tel Aviv.

The Secretary-General has discharged his task with impartiality and in a most constructive spirit. Now, should the Council lack the energy and the unity necessary for political action in the Middle East, we will have to resort to other forums such as the General Assembly, which will henceforth be a recourse for condemning injustice and dealing with the weaknesses and shortcomings that we have, sadly, seen in the last three days. When the Security Council has proven its efficiency and effectiveness in other instances, how can we accept its inability to do the same in this situation, which constitutes a grave threat to international peace and security?

I repeat, the essence of the question is the need for the Council to shoulder its responsibilities and do its utmost to expose to the light of day the tragedy, the nightmare that occurred in Jenin. We live in an open and democratic society, in which information flows freely, where fact-finding represents the essence of democracy. Let us reject double standards, if we truly wish to establish a just and lasting peace in the Middle East.

The President: I thank the representative of Tunisia for the kind words addressed to me.

The next speaker inscribed on my list is the representative of Cuba. I invite him to take a seat at the Council table and to make his statement.

Mr. Rodríguez Parrilla (Cuba) *(spoke in Spanish)*: First of all, may I say how very pleased my delegation is to see you, Mr. President, presiding over the work of the Security Council. We wish you every success. Likewise, I wish to congratulate Ambassador Lavrov and his entire team for the excellent manner in which he guided the work of this body during April.

Once again the Security Council is not fulfilling its responsibilities and is showing its inability to act in the face of the extremely grave situation in the occupied Palestinian territories. It is beyond question that the situation in Jenin and Israel's refusal to cooperate with the fact-finding team demanded a resolution such as that initially presented by Syria and Tunisia in document S/2002/478, of 30 April. That draft resolution correctly invoked Chapter VII of the Charter. It described the situation as a grave threat to international peace and security, demanded that Israel cooperate without further delay with the fact-finding team, and expressed the Council's intention to adopt adequate measures if the resolution was not implemented. Following long hours of consultations behind closed doors, yesterday, in the early hours in the morning, many of us came to this Chamber in order to witness the formal adoption of a draft resolution that was more moderate than the original draft, but which, in the final analysis, represented the least that the Council could do in the face of such grave circumstances.

In the end, the draft resolution was not put to the vote for reasons that are well known. We all knew in advance, however, what would have happened if such a vote had taken place. Even if a majority had voted in favour of the text, the draft resolution could not have been adopted because the United States had explicitly indicated to Council members that it would once again exercise its power of veto — for the twenty-fifth time on the question of Palestine since 1973.

The position of the United States is absurd. It was that country that introduced resolution 1405 (2002) to the Council — which supported the sending of a fact-finding team to Jenin — yet that same country was prepared to veto and obstruct a text aimed precisely at demanding the full implementation of that resolution.

What happened did not surprise us, however. The United States was never truly interested in sending a fact-finding team to Jenin. It presented resolution 1405 (2002) solely in order to prevent the Council from taking the measures that were really necessary in the face of the killing and destruction caused by the Sharon Government's troops in Jenin. That is why that resolution was limited to support for an initiative of the Secretary-General, thereby covering up the Council's inaction. Other motives behind the introduction of that resolution were the desires to obstruct the draft that had been prepared on that occasion by the Arab Group and to divert attention from the proposal of the Secretary-General then under consideration to send a multinational force to the occupied territories.

With or without an investigation, the truth cannot be concealed. The actions committed in Jenin will go down in history as another dark chapter in the terrible saga of the illegal occupation of the Palestinian

territories. The events surrounding the fact-finding team and the continuing siege of the Church of the Nativity in Bethlehem — among many other reprehensible actions — are the results of the fact that the Government of Israel has for so long been allowed to act with impunity, while the Council has been unable to do anything to stop it. That is the result of the inertia with which the Security Council has responded to the flagrant violations of its own resolutions. It is the result of Israel's certainty that nothing can happen here as long as it has — as it does now — the full support of a permanent member, which, with its threat or use of the veto, prevents the Council from acting.

We reiterate our view that the United States must immediately suspend its financial support for military purposes — support that clearly demonstrates its complicity — and its military supplies to Israel, including aircraft, helicopters and missiles, that are used against civilians. Furthermore, it must condemn Israeli State terrorism if it truly wants a global war to be waged on terrorism, wherever and however it manifests itself.

The Security Council must seriously consider the proposal to establish a multinational force in the occupied territories, as proposed by the Secretary-General, who, throughout this process, has displayed great flexibility and perseverance. It is simply unacceptable that this body should continue to turn its back on the suffering of the Palestinian people, trying to make us believe that nothing can be done and resigning itself to the current situation or adopting timid resolutions that say little and are complied with even less.

Cuba also believes that, in the face of the inaction, ineffectiveness and discredit of the Security Council, the General Assembly must take action by resuming its tenth emergency special session in order to help the heroic Palestinian people, to stop the criminal actions and to save the credibility of the United Nations.

The President: I thank the representative of Cuba for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Chile. I invite him to take a seat at the Council table and to make his statement.

Mr. Valdés (Chile) (*spoke in Spanish*): While congratulating you, Sir, and wishing you every success during your presidency of the Security Council this month, I would like to take this opportunity to praise the commendable work accomplished by your predecessor, Ambassador Sergey Lavrov of the Russian Federation.

My country is grateful for the opportunity to speak in this public debate, which enables us to support the efforts of the international community, in particular those of the Secretary-General and the Security Council, aimed at achieving a just and lasting peace in the Middle East and the occupied Palestinian territories.

This is the third time in recent weeks that my country has expressed its position in the Security Council on a conflict whose global implications can leave no one indifferent. Four resolutions have been adopted on this issue during that time — resolutions 1397 (2002) of 12 March, 1402 (2002) of 30 March, 1403 (2002) of 4 April and, lastly, 1405 (2002) of 19 April. All of those resolutions contain clear provisions and specific deadlines. All of them have subsequently been ignored by one or both parties.

Our unreserved support for the norms of international law prompt us to affirm today that we are concerned and disturbed by the lack of cooperation from one of the parties in clarifying facts that require an urgent response, in accordance with the obligation of the international community to ensure respect for human rights and to protect the civilian population from the disproportionate use of force, regardless of the objective sought.

We have forcefully condemned the terrorist attacks on the civilian population in Israel, but we consider equally condemnable the grave humanitarian situation that the Israeli invasion has created in Palestinian towns and camps. We consider particularly serious the events in the Jenin camp, which cannot fail to awaken universal feelings of pain and powerlessness and which require a detailed and complete investigation, as indicated in resolution 1405 (2002). We profoundly regret the Israeli Government's decision to prevent it.

Chile believes that contempt for or liberal interpretation of resolutions adopted by the Security Council require united and resolute action on the part of the Council, as such attitudes endanger the credibility and effectiveness of the Council's work, thereby weakening the role conferred upon it by the

Charter as the guarantor of international peace and security. It also affects the national dignity of all Members of this Organization.

My country calls, clearly and explicitly, for the abandonment of rigid positions and the adoption of constructive attitudes capable of helping to replace with dialogue unilateral decisions that could irremediably affect the efforts being made by various international players to resolve the conflict.

The President: I thank the representative of Chile for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Egypt. I invite him to take a seat at the Council table and to make his statement.

Mr. Aboul Gheit (Egypt) (*spoke in Arabic*): On 19 April, the Security Council adopted a resolution welcoming the Secretary-General's initiative to send a fact-finding team to the Jenin refugee camp. The Security Council supported that initiative. At the time, we were delighted that, after difficult negotiations, such action could be taken to shed light on events in Jenin and in the Jenin refugee camp during the 13 days in which we witnessed Israeli aggression against the camp and saw the Israeli military forces defiantly use aggression as they destroyed homes and the infrastructure of an entire city. The Israeli occupation forces committed atrocities and violated international humanitarian law. The resulting acts can be described as war crimes.

Since 19 April, the Secretary-General has ceaselessly made intense efforts to implement the mandate entrusted to him by the Council. On 25 April, he quickly established a fact-finding team including personalities with internationally recognized skills. It caused the first episode in a long series of delaying tactics on the part of Israel, which continues to this very day. It showed the extent to which Israel defies the Council, its resolutions, the provisions of international legitimacy and the international community, and holds them in contempt.

During the past two weeks, the Secretary-General has kept the Council informed of the Israeli Government's repeated delays in allowing the dispatch of the fact-finding team. The Council's credibility was thus jeopardized. Despite all this, the Secretary-General attempted to satisfy the Israeli requests through negotiation. The fact-finding team was to include military and legal experts. The Secretary-General responded to requests for clarification. However, there were further delaying tactics and further attempts to gain or to waste time.

On every occasion, at the request of the Secretary-General, the Council agreed to delay the dispatch of the fact-finding team for 24 hours in order to meet the requests of the Israeli Government, because the Council and the Secretary-General believed that Israel would promptly give its approval. Regrettably, Israel continues to defy the Council, to show its contempt for Council resolutions and to hide behind certain powerful States members of the Council, convinced that those States will protect it and will disregard its actions, which are in violation of international law.

We have no doubt that the Security Council has failed in the responsibility entrusted to it by the Charter: to maintain international peace and security. In fact, the Council has completely failed to preserve its credibility and that of its resolutions. The Secretary-General had to face those delaying tactics and tricks alone. Anyone who reads the Secretary-General's most recent letter to the Council will reach the same conclusion. In our view, the letter represents an indictment of all those manoeuvres.

We deeply regret that today the Security Council is sending a clearly disturbing message to the Palestinians and to other peoples around the world that might some day come before the Council to plea for protection and justice. The Council's message is one of powerlessness and silence, revealing the Council's inability to maintain international peace and security; it demonstrates that the Council is often strong and united in the face of the innocent and the weak but not in the face of aggression.

At this stage in the Council's discussions, my delegation has decided not to refer to all the events that have occurred in the West Bank and its cities. We have decided not to refer to the acts of aggression and the attacks that have occurred over a period of weeks. We prefer to make this particular statement before the Council in order to point out once again the unprecedented policy of double standards — this moral dysfunctioning — which is extremely dangerous and which jeopardizes the world order that emerged after the Second World War and its accompanying tragedies. Images of that war are now repeated before our eyes.

The most recent such image was that of a heavy Israeli tank that just yesterday stopped in a street of Nablus and shelled the surrounding buildings. The Security Council looks on in silence.

The Security Council has lost not only its credibility before the international community in the context of this conflict, but also its authority in the face of a State that violates and derides international law and legitimacy and all the noble principles of that law.

The President: The next speaker inscribed on my list is the representative of Canada. I invite him to take a seat at the Council table and to make his statement.

Mr. Heinbecker (Canada) (*spoke in French*): I would like to thank you, Mr. President, and the Council for giving me the opportunity to express the viewpoint of the Government of Canada on this important issue.

Over the past few days, we have witnessed a positive turn of events in the Middle East. We particularly welcome the announcement made in Washington by the "quartet" of the intention to organize a peace conference this summer, and we hope that such a conference will be based on work already carried out, including the draft agreement reached at Taba. Only a broad diplomatic effort will bring about the long-term political solution that we seek and need. The situation is urgent and we must begin to work seriously, without delay.

(*spoke in English*)

We are also encouraged by the lifting of the siege of the President of the Palestinian Authority and the withdrawal of Israeli troops from Ramallah. Canada calls on Chairman Arafat to use his authority to prevent further violence; attacks against innocent civilians are never justifiable. We call on both parties to ensure that the stand-off at the Church of the Nativity ends without further violence or destruction.

Regrettably, in the past week there have also been some very negative developments. Israel has not yet fully withdrawn from cities in the West Bank, as it is called upon to do in resolution 1402 (2002). Under Article 25 of the United Nations Charter, United Nations Members bind themselves to accept the decisions of the Security Council. Canada believes that Israel must accordingly complete its withdrawal immediately.

Further, Canada viewed resolution 1405 (2002), in particular, as an important expression of the will of the international community. With the prior concurrence of Israeli leaders, the Secretary-General adopted the fact-finding team concept and the Council gave its endorsement of the initiative unanimously. The team that the Secretary-General has assembled is distinguished and has wide-ranging experience. We commend him for his efforts. We also express our sincere gratitude to the members of the team for their willingness to participate, and at such short notice.

Canada has supported the fact-finding team initiative because we believe it is vitally important that the facts surrounding the events in Jenin be brought to light. We have registered our views directly with the Government of Israel. It is in the interests of both parties, as well as of the entire international community, that a credible and transparent finding of the facts take place. Canada believes that such an exercise must include an examination of all alleged wrongs, whether Israeli or Palestinian.

The Israeli position has implications beyond the tragedy of the conflict in the Middle East. The Security Council is at the heart of the international architecture for the preservation of international peace and security. Some countries may feel that an effective Security Council is optional to the maintenance of international peace and security. Canada is not one such country. The Government of Canada therefore profoundly regrets the continuing Israeli position not to receive the fact-finding team, which is compromising the authority of the Council.

As always, we stand ready to support this Council in bringing genuine and lasting peace to the region.

The President: There are a number of speakers remaining on my list. With the concurrence of the members of the Council, I intend to suspend the meeting now in order to hear a briefing by the Secretary-General in informal consultations. The Security Council will continue its consideration of the item on its agenda this afternoon following the adjournment of the consultations of the whole.

The meeting was suspended at 4.40 p.m.